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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**
FIREMAN'S FUND INSURANCE
COMPANY,

Plaintiff,

vs.

PERSONAL COMMUNICATIONS
DEVICES, LLC,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/15/09

09 Civ 1349 (SHS) (HBP)

ECF Case

Memorandum is granted to the extent that Fireman's Fund may file a sur-reply brief by June 22, 2009 of 10 pages. Signed by H. Stein U.S.D.J.

**NOTICE OF MOTION TO STRIKE REPLY MEMORANDUM OF LAW
AND SUPPLEMENTAL DECLARATION OF JOHN T. WOLAK
OR, IN THE ALTERNATIVE, FOR LEAVE TO FILE A SUR-REPLY**

PLEASE TAKE NOTICE that, upon the accompanying Declaration of John A.V. Nicoletti and the exhibits thereto and upon the accompanying Memorandum of Law, Plaintiff Fireman's Fund Insurance Company ("Fireman's Fund"), by and through its undersigned attorneys, will move this Court, Sidney H. Stein, U.S.D.J., United States District Court, 500 Pearl Street, Courtroom 23A, New York, New York 10007, at a time and on a day to be set by the Court, for an order striking the Reply Memorandum of Law (Doc. No. 19) and the Supplemental Declaration of John T. Wolak (Doc. No. 20) filed by Defendant Personal Communications Devices, LLC ("PCD") in support of its Motion to Transfer Venue Under 28

U.S.C. § 1404(a) or, in the alternative, for an order granting Fireman's Fund leave to file a sur-reply to PCD's reply papers.

Dated: New York, New York
June 4, 2009

NICOLETTI HORNIG & SWEENEY
Attorneys for Plaintiff

By: /s John A.V. Nicoletti
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